

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION,

Civil Action No.
1:18-cv-06658 (JSR)

MARTIN TROTT AND CHRISTOPHER SMITH, AS
JOINT OFFICIAL LIQUIDATORS AND FOREIGN
REPRESENTATIVES OF PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (IN OFFICIAL
LIQUIDATION), AND PLATINUM PARTNERS VALUE
ARBITRAGE FUND L.P. (IN OFFICIAL LIQUIDATION),

Civil Action No.
1:18-cv-10936 (JSR)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

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 **PROPOSED ORDER**

WHEREAS, on March 29, 2019, Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (together, "Plaintiffs") filed a Second Amended Complaint in the above-captioned actions (collectively, the "Actions"), alleging six causes of action against Defendant Platinum Management (NY) LLC ("PMNY") (Dkt. 226);

WHEREAS, on August 8, 2019, the Court issued an Order requiring that "[a]ll discovery of any kind whatsoever – including ... fact depositions ... must be completed by December 31, 2019" (Dkt. 375);

WHEREAS, on November 30, 2019, Plaintiffs issued, pursuant to Fed. R. Civ. P. 30(b)(6), a Notice of Deposition to PMNY (the "Notice"), which has counsel of record in the Actions;

WHEREAS, the Notice required that PMNY: (1) designate a corporate representative for the deposition no later than December 6, 2019; and (2) appear for a deposition on December 16, 2019;

WHEREAS, PMNY failed to designate a corporate representative by December 6, 2019;

WHEREAS, PMNY has not communicated with Plaintiffs concerning the scheduled deposition date of December 16, 2019;

WHEREAS, on December 11, 2019, Plaintiffs conferred telephonically with the Court to request that PMNY designate a corporate representative and agree to a deadline to be deposed; and

WHEREAS, on December 11, 2019, via email to the Plaintiffs' counsel, the Court issued an Order instructing to Plaintiffs to submit to the Court their requested relief from PMNY;

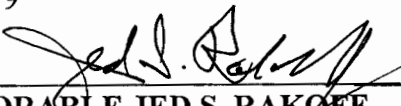
WHEREAS, Plaintiffs hereby request that the Court issue an Order compelling PMNY to: (1) no later than December 13, 2019, designate a corporate representative who can testify as to all Topics set forth in the Notice; and (2) attend a deposition no later than December 23, 2019, and to testify on the terms set forth in the Notice; therefore

IT IS HEREBY ORDERED that, no later than December 13, 2019, PMNY shall designate a corporate representative who can testify to all Topics set forth in the Notice; and

IT IS HEREBY ORDERED that, no later than December 23, 2019, the corporate representative for PMNY shall sit for a deposition and testify on the Topics set forth in the Notice.

Dated: December 12 2019

SO ORDERED:



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE